

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:14-cv-007

DIAMOND FALLS ESTATES, LLC,
SHIRLEY M. BUAFO, and CHARLES
K. BUAFO,

Plaintiffs,

vs.

NANTAHALA BANK & TRUST
COMPANY, STEVE E. GRAVETT,
EXCELL PARTNERS, LLC, and
JOHN/JANE DOES,

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Defendants Steve E. Gravett and Excell Partners, LLC removed this action from state court based upon diversity jurisdiction (#1). In the Complaint, Plaintiffs allege that Diamond Falls Estates, LLC is a corporation organized and existing under the laws of the state of North Carolina.

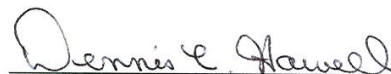
Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997),

certiorari denied 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Plaintiffs will be required to disclose the names and addresses of all constituent members or partners.

ORDER

IT IS, THEREFORE, ORDERED that on or before **May 16, 2014**, the Plaintiffs shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of Diamond Falls Estates, LLC and for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: April 23, 2014



Dennis L. Howell
United States Magistrate Judge

